

Department of Public Health
and Human Services

Section:
APPLICATION PROCESSING

FAMILIES ACHIEVING INDEPENDENCE IN
MONTANA

Subject:
Destitute Migrant/Seasonal Farm
Workers

Supersedes: FMFS 105-2 (09/01/98)

References: 7 CFR 273.10.; 7 CFR 273.11 and Public Law 104-193 section 827

GENERAL RULE -- Migrant or seasonal farm workers who meet the criteria of a destitute household are entitled to expedited services even though they may receive income at some other time in the month of application.

NOTE: Not all migrant or seasonal farm workers will meet the destitute criteria and those households will be processed under normal procedures. The destitute criteria does not apply to households other than migrant or seasonal FARM WORKERS.

DEFINITION OF DESTITUTE

A migrant or seasonal farm worker is destitute if :

1. **TERMINATED INCOME**--The only income for the month of application was received prior to the date of application and was from a source which has been terminated. This would include:
 - a. Income normally received on a monthly (or more frequent) basis which will not be received again from the same source during the balance of the month of application or the following month.
 - b. Income normally received less often than monthly if it will not be received in the month in which the next payment would normally be received.

EXAMPLE: Income is received on a quarterly basis, i.e., January, April, July, October. Household applies in January. Worker would need to determine whether or not the income is anticipated to be received in April, to determine whether or not the income had terminated.

2. **NEW SOURCE OF INCOME**--The only income to be received in the month of application is from a new source and is:
 - a. Less than \$25; and

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- b. The income will not be received by the tenth (10th) calendar day after the date of application.

Income to be received from a new source would include:

- a. Income received on a monthly or more frequent basis if no more than \$25 has been received from that source within thirty (30) days prior to the date of application.

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NOTE: Travel advances are not to be considered when determining whether or not a household is destitute or income is from a new source. (For determining allotment amount, see travel advance section, page 3).

- b. Income received less often than monthly if no more than \$25 was received in the last normal interval between payments.

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- 3. COMBINATION INCOME--The household may have received both income from a terminated source prior to the date of application and income from a new source after the date of application and be considered destitute if:

- a. They receive no other income in the month of application; and
- b. Income from the new source is less than \$25 and will not be received by the tenth (10th) calendar day after application.

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CALCULATE ELIGIBILITY

Destitute households have their eligibility and benefits calculated for the month of application by considering only income which is received between the first of the month and the date of application. Any income from a new source, that is anticipated after the date of application, is disregarded.

Consider the particular grower as the source of income for any migrant who is working.

The above procedures will apply at initial certification and redetermination (but only for the first month after certification and redetermination).

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TRAVEL

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Sometimes money is received for the expenses of traveling to a new location for employment. These travel advances may be considered income if:

1. The advance of wages will be subtracted from wages later earned by the household; and
2. The travel advance is, by written contract, an advance of wages.

A written contract is defined as:

- a. a written agreement signed by both parties; or
- b. a written statement from the employer addressed to the employee at the time of or prior to receipt of the advance stating the advance will be deducted from earnings.

Travel advances that do not meet the definition of income above are to be excluded as a reimbursement.

Travel advances, whether income or a reimbursement, are not to be considered when determining whether or not a household is destitute or whether or not subsequent payments from the employer are from a new source of income.

EXAMPLE: A migrant worker applies for food stamps on June 10th. He received a travel advance, per written contract indicating it was an advance of wages, from his employer on June 1st of \$50. He expects his next pay to be received on June 30th. The household is considered destitute (he has income from a new source and he will not have income of \$25 or more from this new source before the 10th calendar day after application, June 20th). The \$50 travel advance is counted as income, but the June 30th income would be disregarded. (Eligibility for destitute households is determined for month of application by only looking at income received between the 1st of the month and date of application. Any income, from a new source, which is anticipated after the date of application is disregarded.)

TEAMS case notes must be documented.

**EXCLUDED
INCOME**

Exclude as income any emergency Public Assistance (PA), or emergency

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General Assistance (GA) vendor payments made on behalf of the migrant or seasonal farm worker household while the household is in the job stream. This may include, but is not limited to, vendor payments for housing or transportation.

**ALLOTMENTS
(BENEFITS)**

Migrant and seasonal FARM WORKERS will receive the full allotment for the month of application when any member of the household has received food stamps within thirty (30) days prior to the date of application (no proration).

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